

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11693 of 2019

Mari @ Marichelvam Petitioner/Accused No.3

Vs

The State Represented by
The Inspector of Police,
Prohibition and Enforcement Wing
Thirumangalam, Madurai District.
In Crime No. 1082 of 2019. Respondent/Complainant

For Petitioner : Ms. R. Karunanidhi,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 1082 of 2019 on the file
of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 4 (1)
(aaa), 4 (1) (i) & 24 of the Tamil Nadu Prohibition Act, in Crime
No.1082 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, on 15.08.2019, at about 05.00 p.m,
based on the secret information, the respondent police went to the

<https://hcservices.ecourts.gov.in/hcservices/>

occurrence place and they found that the accused persons were illegally having possession of 1082 liquor bottles. He further submitted that the properties were recovered from A2 only and he was arrested and subsequently released on bail. He further submitted that no previous case is pending against the petitioner, and therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that totally three persons were involved in this case. The accused persons were illegally having possession of 1082 liquor bottles, which contain poisonous substances and they were selling the liquor during the TASMAL holiday. Hence, she opposed this petition. However, She fairly conceded that A2 was already arrested and subsequently released on bail and the properties were recovered from A2 and the petitioner is not having any bad antecedents.

5.Considering the fact that A2 was arrested and subsequently released on bail and also the fact that the properties was recovered from A2 only and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thirumangalam, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions

have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
PROHIBITION AND ENFORCEMENT WING,
THIRUMANGALAM, MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MS. R. KARUNANIDHI Advocate SR.No.13973

ORDER
IN

CRL OP(MD) No.11693 of 2019

Date :22/08/2019

AM/PN/SAR-1/29.08.2019/3P-6C

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